

1 JOHN J. STOIA, JR. (141757)  
2 RACHEL L. JENSEN (211456)  
3 THOMAS R. MERRICK (177987)  
4 PHONG L. TRAN (204961)  
5 ROBBINS GELLER RUDMAN & DOWD  
6 LLP  
7 655 West Broadway, Suite 1900  
8 San Diego, CA 92101  
9 Telephone: 619/231-1058  
10 619/231-7423 (fax)  
11 johns@rgrdlaw.com  
12 rachelj@rgrdlaw.com  
13 tmerrick@rgrdlaw.com  
14 ptran@rgrdlaw.com

15 Class Counsel

SHIRLI FABBRI WEISS (079225)  
CHRISTOPHER M. YOUNG (163319)  
KATHERINE LARSON (259556)  
DLA PIPER LLP (US)  
401 B Street, Suite 1700  
San Diego, CA 92101-4297  
Telephone: 619/699-2700  
619/699-2701 (fax)  
shirli.weiss@dlapiper.com  
christopher.young@dlapiper.com  
katherine.larson@dlapiper.com

Attorneys for Defendants

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

In re GROUPON MARKETING AND  
SALES PRACTICES LITIGATION

Case No. 3:11-md-02238-DMS-RBB

**NOTICE OF WITHDRAWAL OF JOINT  
MOTION TO STRIKE UNTIMELY  
OBJECTIONS**

Date: September 7, 2012  
Time: 1:30 p.m.  
Judge: Hon. Dana M. Sabraw  
Courtroom: 10

Defendant Groupon, Inc., on behalf of itself, its subsidiaries and affiliates, all other Defendants, and all Released Parties (collectively, "Defendants"), and Plaintiffs Barrie Arliss, Nevin Booth, Julie Buckley, Ashley Christensen, Jason Cohen, Adam Dremak, William Eidenmuller, Anthony Ferreira, Sarah Gosling, Eli R. Johnson, Heather Kimel, Jeff Lawrie, Michael McPherson, Sarah Mehel, Eric Terrell, Carlos Vazquez, and Brian Zard (collectively, "Plaintiffs") hereby jointly notify the Court that they respectfully withdraw their Joint Motion to Strike Untimely Objections. (Dkt. # 73.)

On August 14, 2012, Plaintiffs and Defendants filed a Joint Motion to Strike Untimely Objections. The parties continue to contend that the objections filed by Evan Spies (Dkt. #70) and Warren Sibley, Tracy Klinge, Jordon Echols, and Kimberly Cogbill (Dkt. #71) were untimely filed. However, the parties have chosen to withdraw the instant motion, and do not object to the extent the Court chooses to hear the objectors' argument on the merits.

Respectfully submitted,

DATED: August 17, 2012

ROBBINS GELLER RUDMAN & DOWD LLP  
JOHN J. STOIA, JR.  
RACHEL L. JENSEN  
THOMAS R. MERRICK  
PHONG L. TRAN

/s/ John J. Stoia  
JOHN J. STOIA, JR.

Class Counsel

DATED: August 17, 2012

DLA PIPER LLP (US)  
SHIRLI FABBRI WEISS  
CHRISTOPHER M. YOUNG  
KATHERINE J. LARSON

/s/ Shirli Fabbri Weiss  
SHIRLI FABBRI WEISS

Counsel for Defendants

**CERTIFICATE OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 401 B Street, Suite 1700, San Diego, California 92101-4297. On August 17, 2012, I served the within document(s):

**NOTICE OF WITHDRAWAL OF JOINT MOTION TO STRIKE  
UNTIMELY OBJECTIONS**

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, for delivery via overnight/express service carrier at San Diego, California addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Diego, California addressed as set forth below.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below on this date before the close of normal business hours.
- ☐ by transmitting via electronic mail a copy of the document(s) listed above in .pdf format, with no transmission errors reported, to the person(s) at the e-mail address(es) denoted on the Electronic Mail notice list.
- ☒ I hereby certify that on the below date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail notice list, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice list.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing affidavit.

I declare that I am employed in the office of a member of the Bar of or permitted to practice before this Court at whose direction the service was made.

Executed on August 17, 2012, at San Diego, California.

  
Bonnie K. Lott